

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiffs,**

**vs.**

**OMAR VAZQUEZ ALDERETE, and  
FRANCISCA TAPIA PORTILLO,**

**Defendants.**

**8:17CR304**

**PRELIMINARY ORDER OF  
FORFEITURE**

This matter is before the Court on the United States' Motion for Preliminary Order of Forfeiture, ECF No. 81. The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. Defendants entered into Plea Agreements, ECF Nos. 45 and 80, whereby they agreed to enter pleas of guilty to Count I of the Indictment and agreed to admit the Forfeiture Allegation. Count I charged the Defendants with possession with intent to distribute heroin, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1).
2. The Forfeiture Allegation of the Indictment sought forfeiture, pursuant to 21 U.S.C. § 853, of money seized from Defendants on September 9, 2017, on the basis it was used or was intended to be used to facilitate the offense, and/or was derived from proceeds obtained directly or indirectly as a result of the offense. As set forth in Defendants' Plea Agreements, the parties agreed to forfeiture of \$8,460.00 in United States currency.

3. By virtue of said pleas of guilty, Defendants forfeit their interest in the \$8,460.00, and the United States should be entitled to possession of said currency, pursuant to 21 U.S.C. § 853.

4. The United States' Motion for Preliminary Order of Forfeiture should be granted. Accordingly,

IT IS ORDERED:

A. The United States' Motion for Preliminary Order of Forfeiture, ECF No. 81, is granted.

B. Based upon the Forfeiture Allegation of the Indictment and Defendants' pleas of guilty, the United States is hereby authorized to seize the \$8,460.00.

C. Defendants' interest in the \$8,460.00 is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned currency is to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish for at least thirty consecutive days on an official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, Notice of Publication evidencing the United States's intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than Defendants, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall also state that any Petition filed by a third party shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject currency as well as any additional facts supporting the Petitioner's claim and the relief sought, as stated in Rule 32.2 of the Federal Rules of Criminal Procedure.

G. The United States may also, to the extent practicable, provide direct written notice to any third party known to have an interest in the currency and provide a copy of this Order as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 30th day of April 2019.

BY THE COURT:

s/Laurie Smith Camp  
Senior United States District Judge